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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

October 30, 1994

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OCT 31 1994

The Honorable Marjorie Margolies-Mezvinsky
Member, House of Representatives
Attention: Caren Moskowitz
1 Presidential Blvd.
Suite 200
Bala Cynwyd, PA 19004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Congresswoman Margolies-Mezvinsky:

This letter responds to your correspondence on behalf of Bernard Lubow regarding information services provided on 800 numbers.

The Telephone Disclosure and Dispute Resolution Act (TDDRA) was enacted by Congress in 1992 and required both the Federal Communications Commission and the Federal Trade Commission (FTC) to adopt rules governing the provision of pay-per-call services. Under the TDDRA, the FCC has jurisdiction over the telecommunications carriers involved in the transmission and billing of the telephone calls, while the Federal Trade Commission has jurisdiction over the information service companies themselves.

The TDDRA generally required pay-per-call services to be provided on 900 telephone numbers and generally prohibited the provision of these services on 800 numbers, except in instances where the caller has entered into a presubscription agreement or comparable arrangement with the information service provider. Pursuant to the Commission's rules, which became effective on September 24, 1993, a presubscription agreement entails a formal contractual understanding whereby the consumer is provided clearly and conspicuously all terms and conditions associated with the use of the service and affirmatively agrees to abide by them.

The Commission has received numerous complaints similar to those described by your constituent. These complaints are processed by the Enforcement Division of the Common Carrier Bureau by serving a copy of the complaint upon the telecommunication carriers involved, who must generally respond in writing within 30 days. Beyond reviewing these

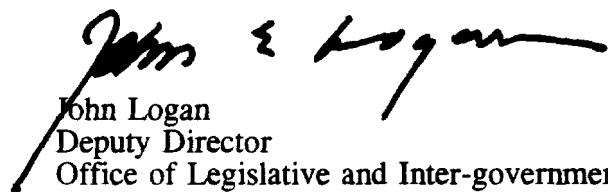
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complaints and pursuing appropriate action to resolve them, the Commission has undertaken several efforts. First, Common Carrier Bureau staff has met with the carriers that provide the billing service for calls to 800 numbers as well as interexchange carriers who provide the 800 number transport to emphasize their obligations under the TDDRA and the rules of the Commission. Secondly, because the increase in the number of complaints has been so significant, we have started an investigation of these practices, with special focus on whether any companies have attempted to evade or violate our rules. Additionally, as part of the effort to make clear the carriers' responsibilities under the law, the Common Carrier Bureau has recently issued a ruling holding that the information provider's receipt of the originating telephone number, a practice that was serving as the premise of some charges, does not in itself constitute a presubscription agreement.

Moreover, on August 2, 1994, the Commission instituted a Notice of Proposed Rulemaking seeking to strengthen Commission rules to prevent abusive and unlawful practices under the TDDRA. Specifically, the Commission has sought public comment on a proposal to require that a presubscription agreement be established only with a legally competent individual and executed in writing, and that common carriers obtain evidence of the written agreement before issuing a telephone bill that contains charges for presubscribed information services. Under the proposed rules, these telephone bills could be addressed only to the individual who actually entered into the presubscription arrangement, not to the person or company whose telephone was used to place the call. The Commission has tentatively concluded that this and other proposed changes would significantly assist in eliminating the source of many consumer complaints. Enclosed is a summary of the Commission's action in this regard.

We appreciate receiving your correspondence. Please call upon us if we can provide any additional information.

Sincerely,


John Logan
Deputy Director
Office of Legislative and Inter-governmental
Affairs

Enclosure

MARJORIE MARGOLIES-MEZVINSKY
13TH DISTRICT PENNSYLVANIA

1516 LONGWORTH BUILDING
WASHINGTON, DC 20515-3813
(202) 225-6111



Congress of the United States

House of Representatives
Washington, DC 20515-3813

August 11, 1994

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COMMERCE, CONSUMER AND
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COMMITTEE ON SMALL BUSINESS
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SBA LEGISLATION AND THE
GENERAL ECONOMY

Ms. Linda Townsend Solheim
Director, Legislative Affairs
Federal Communications Commission
1919 M Street NW Rm 808
Washington, D.C. 20554-0001

Dear Ms. Solheim:

One of my constituents, Bernard Lubow, has contacted me for assistance on a problem with which the Federal Communications Commission might be able to help. I have enclosed all the information which we have been given on this particular case for your review.

Bernard and I are anxious to resolve this problem as soon as possible. Because of this, your prompt consideration would be most appreciated. If you have any questions, please contact Caren Moskowitz.

Sincerely,

Marjorie Margolies-Mezvinsky
Marjorie Margolies-Mezvinsky

MMM:cgm

PLEASE RESPOND TO:

☐ 12 EAST BUTLER AVENUE
SUITE 111
AMBLER, PA 19002
(215) 542-7MMM

☒ 1 PRESIDENTIAL BLVD
SUITE 200
BALA CYNWYD, PA 19004
(215) 667-3MMM

☐ P.O. BOX 639
CORNER OF ROUTES 73 & 113
SKIPPACK, PA 19474
(215) 287-5MMM

BERNARD LUBOW
107 Forrest Avenue
Narberth, Pa 19072

August 10, 1993

Congresswoman Marjorie Margolies Mezvinsky
One Presidential Blvd.
Bala Cynwyd, PA 19004

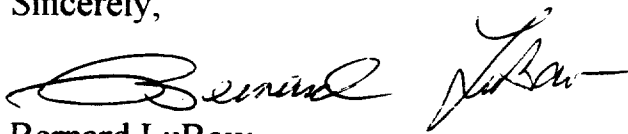
Congresswoman Mezvinsky:

I understand that recently the FCC has granted permission to the telephone companies to issue on a limited basis 800 numbers that can be a toll charge and not toll free.

If this is correct, it is outrageous, since the public considers 800 numbers a toll free call under any condition.

Could you please let me know if, indeed, there are some 800 numbers that could carry a toll charge?

Sincerely,


Bernard LuBow